

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BURRELL A. McGHEE)
Plaintiff,) Case No. 7:13-CV-123
v.)
CHARLES A. ROBERSON, M.D., et al.)
Defendant(s).)

LOCUMTENENS.COM, LLC'S AND CHARLES A. ROBERSON, M.D.'S PARTIAL
MOTION TO DISMISS PURSUANT TO RULE 12(b)(6) AND RULE 12(c)

LocumTenens.com, LLC and Charles A. Roberson, M.D., by counsel, and pursuant to Rule 12(b)(6) and Rule 12(c) of the *Federal Rules of Civil Procedure*, move to dismiss any punitive damage claim from the Complaint because the Plaintiff fails to plead facts to support a punitive damage claim as a matter of law. A memorandum stating the facts and legal authority supporting this request accompanies this motion.

CHARLES A. ROBERSON, M.D.
and
LOCUMTENENS.COM, LLC

By Counsel

/s/ Justin W. Ward

M. Pierce Rucker, Esq. (VSB No. 15266)
Justin W. Ward, Esq. (VSB No. 48893)
SANDS ANDERSON PC
1111 E. Main Street, Suite 2400 (23219)
Post Office Box 1998
Richmond, VA 23218-1998
Telephone:(804) 648-1636
Facsimile: (804) 783-7291
Email: prucker@sandsanderson.com
Email: jward@sandsanderson.com

CERTIFICATE

I hereby certify that on the 10th day of July, 2013, I presented the forgoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

John P. Fishwick, Jr., Esq.
Carrol M. Ching, Esq.
Monica L. Mroz, Esq.
Lichtenstein Fishwick PLC
101 South Jefferson Street, Suite 500
Roanoke, VA 24011
Phone: 540-345-5890
Fax: 540-345-5789
Email: jpf@vatrials.com
Email: carrol@vatrials.com
Email: monica@vatrials.com
Counsel for the Plaintiff

Sean P. Byrne, Esq.
Neal H. Lewis, Esq.
Hancock Daniel Johnson & Nagle, P.C.
4701 Cox Road, Suite 400
Glen Allen, VA 23060
Phone: 804-967-9604
Fax: 804-967-2411
Email: sbyrne@hdjn.com
Email: nlewis@hdjn.com
Counsel for James Moitoza, M.D.

Joseph W. H. Mott
United States Attorney's Office
P.O. Box 1709
Roanoke, VA 24008-1709
Phone: 540-857-2250
Email: joseph.mott@usdoj.gov
Counsel for U.S.A.

/s/ Justin W. Ward

M. Pierce Rucker, Esq. (VSB No. 15266)
Justin W. Ward, Esq. (VSB No. 48893)
Sands Anderson PC
1111 E. Main Street, 24th Floor
P.O. Box 1998
Richmond, VA 23218-1998
Phone: 804-648-1636
Fax: 804-783-7291
Email: prucker@sandsanderson.com
Email: jward@sandsanderson.com
*Counsel for Charles A. Roberson, M.D. and
Locumtenens.com, LLC*